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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO.       |
|---|-------------|----------------------|---------------------------|------------------------|
| 10/594,491  | 09/28/2006  | Jun Suzuki           | 060733                    | 3793                   |
| 23850 7590 10/10/2008<br>KRATZ, QUINTOS & HANSON, LLP<br>1420 K Street, N.W.<br>Suite 400<br>WASHINGTON, DC 20005 |             |                      | EXAMINER<br>CHEN, TIANJIE |                        |
|   |             |                      | ART UNIT<br>2627          | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>10/10/2008   | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/594,491

**Applicant(s)**

SUZUKI, JUN

**Examiner**

Tianjie Chen

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 7, 9, 12, 13 and 15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6, 8, 10, 11, 14, 16 and 17 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

***Ex parte Quayle Action***

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Election/Restrictions***

2. Applicant's election without traverse of claims 1-3, 6, 8, and 16 in the reply filed on 08/27/2008 is acknowledged.

Since independent claims 1 and 16 are found allowable, claims 10, 11, 14, and 17 rejoin for examination.

Finally, claims 1-3, 6, 8, 10, 11, 14, and 16-17 are under consideration.

***Ex parte Quayle***

3. This application is in condition for allowance except for the following formal matters:
  - Non-elected claims 4, 5, 7, 9, 12, 13, and 15 should be cancelled.
  - In all claims, the term "dimension" should be changed to --distance--.
  - A clear copy of claim list is solicited.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

4. Claims 1-3, 6, 8, 10, 11, 14, and 16-17 are allowed.
  - With regard to independent claims 1, 6, 8, 10, and 16; as the closest reference of record, Takishita et al (JP 2003-346366A) discloses an actuator for a pickup, comprising: a fixed portion; a movable portion movable in each of a focusing direction extending along an optical

axis of an objective lens and in a tracking direction substantially perpendicular to the focusing direction, for holding the objective lens; and a plurality of linear elastic members of five or more each having ends connected to the movable portion and the fixed portion, respectively, wherein the linear elastic members that are adjacent to each other when viewed from the focusing direction are designed such that a distance between connection portions of the linear elastic members connected to the fixed portion is **smaller than** a distance between connection portions of the linear elastic members connected to the movable portion, and the plurality of linear elastic members have connection portions on a side of the fixed portion which are located on a first virtual circle, and connection portions on a side of the movable portion which are located on a second virtual circle; **but fails to show** that the linear elastic members that are adjacent to each other when viewed from the focusing direction are designed such that a distance between connection portions of the linear elastic members connected to the fixed portion is **larger than** a distance between connection portions of the linear elastic members connected to the movable portion.

- Applicant asserts; “an object of the present invention to provide an actuator for a pickup which makes it possible to suppress a rise in rolling frequency and to prevent deterioration in damping characteristics even when a movable portion is turned with respect to a fixed portion” ([0015]).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

Art Unit: 2627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tianjie Chen/  
Primary Examiner, Art Unit 2627